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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,266

12/16/2004

David Keith Roberts

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12/09/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

12/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,266	Applicant(s) ROBERTS, DAVID KEITH	
	Examiner Venkat Perungavoor	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The Applicant's argument/amendment with regard to 35 USC 101 rejection is persuasive and therefore is withdrawn.

The Applicant's argument with regard to the Specification's objection is persuasive and therefore withdrawn.

The Applicant's amendment of Claim 11 obviates the 112 rejection and therefore withdrawn.

Applicant's arguments filed 10/5/2009 have been fully considered but they are not persuasive.

The Applicant's arguments with regard to Claim 4-7 are not persuasive. As the action does not omit the citation of rejection, but rather takes a broad and inclusive view of the claims to form the basis for the rejection. *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed... An

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essential purpose of patent examination is to fashion claims that are precise, clear, correct and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process”.

The Applicant argues that the signature is not spread throughout the image. That is, signature is not limited to one block but rather spread to two or more of data.

Brunk discloses the spreading watermark across multiple frames, and this fragments are stretched through multiple time frames see Par. 0071. And further Brunk mentions the replicating of watermarks over contiguous blocks of image see Par. 0092. Thus, Brunk’s invention spreads the watermark over multiple frames and segments.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 3-7 and 11-15 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication 2002/0157005 A1 to Brunk et al.(hereinafter Brunk).

Regarding Claim 1, 11,12, Brunk discloses dividing a whole image that contains at least one region of flat content into a plurality of regions. See Fig. 1 item 102;

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generating a signature including generating signature bits from each of the plurality of regions including the at least one region of flat content. See Par. 0024;

embedding of said signature without subdividing the signature by spreading the signature bits of said signature across at least a portion of the image which is larger, than one of the regions, such that the signature bits from all regions can be extracted even if the at least one region of flat content has been replaced by tampering whereby the image is protected from tampering in the at least one region of flat content. See Par. 0025 & Par. 0020(where the watermarked signal is the signature that is embedded throughout the image).

Regarding Claim 3-7, Brunk discloses the signature being embedded in multiple areas and spread throughout the image. See Par. 0070 & Par. 0099.

Regarding Claim 13, Brunk discloses the many application where the embedding of signals is used. See Par. 0064-0065.

Regarding Claim 14, 15, Brunk discloses receiving at least one video image with a processor see Par. 0041;

with the processor, dividing the image into a plurality of regions including at least one region of flat content and a plurality of regions with non-flat content see Fig. 1 item 102 ;

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with the processor, generating at least one bit of a signature from each of the regions including from the at least one region of flat content see Par. 0052;

with the processor, embedding the signature only in the plurality of regions with the non-flat content see Par.0053 & Par. 0071; and

subsequently with the same or a different processor, extracting the signature bits from the plurality of regions with the non-flat content and, from the extracted bits, determining if the at least one region of flat content has been subject to tampering see Par. 00103.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto

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Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Venkat Perungavoor/
Examiner, Art Unit 2432
December 3, 2009

/Jung Kim/
Primary Examiner, AU 2432